

**Ms Ann Miller
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SEP 23 2010

**DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT
OFFICE OF LAND QUALITY**

**#09-213(WPCB) (CAFO Rulemaking)
Janet Pittman
Rules Development Branch
Office of Legal Counsel
Indiana Department of Environmental Management
100 North Senate Avenue MC 65-46
Indianapolis, Indiana 46204-2251**

**RE: DIN: 20100811-IR-327090213PHA
DIN: 20100811-IR-327090213SNA
DIN: 20090408-IR327090213FNA**

Dear Ms Pittman:

I strongly urge you to develop rules for CAFOs and CFOs—or any other name you may apply to confined animal feeding, or factory animal farming—that protect Indiana citizens' water, air, and human health.

Current rules and the proposed changes to current rules DO NOT protect Indiana's air, water, or public health—in fact they are detrimental.

I personally have incurred \$50,000 worth of medical bills due to an infection from E. coli that occurred because a neighbor literally sprays liquid Hog manure into the air, upwind, on days when the wind blows up to 25 mph. He says it is "his right to do whatever he wishes on his own property."

Our waters are polluted with hog confinement toxins, ranging from E. coli and MRSA to arsenic to disinfectants used in an attempt to kill the pathogens that flourish in confined animal feeding factories. These toxins impact the health of the entire community. Antibiotics no longer work on humans because they have been mis-used as feed ingredients to promote growth in confinement animals—rather than used for veteraceuticals reasons.

Our air is full of dust from these factories. Numerous viruses and bacteria ride on the wind in this dust, creating additional health issues, including but not limited to MRSA, new resistant forms of bacteria, and allergies associated with hog and chicken dust.

for confined animal feeding factories, with over application of manure and misapplication of manure occurring in every county in the state. A "manure management plan" is required by IDEM for all animal factories, but the plan is not monitored for deviations from it, and no soils tests are taken before or after manure application to determine how much manure was applied. Thus Nitrogen and Phosphorous over-application in the millions of gallons and thousands of tons is a common event.

To summarize, I urge you to strengthen all animal factory rules to include the following:

- 1) Mandatory yearly inspections of the animal factories and their lagoons for toxins and pathogens, lagoon conditions, and animal conditions.
- 2) Mandatory soils testing before and after land application of manure (done on every field for commercial inorganic fertilizer application already) to make certain over application does not occur.
- 3) Mandatory bonds by the animal factory owners to cover the cost of cleaning up polluted creeks, rivers, and soils resulting from mis-application or over-application of liquid animal sewage.
- 4) Minimum setbacks for these factories should be 2 miles from any school, hospital, nursing home, or food facility (restaurants, groceries).
- 5) NO new confinements should be built until all current ones are inspected and deemed to be free of disease, toxins, and improperly stored manure.
- 6) IDEM should be empowered, unencumbered by the Governor, to enforce the rules associated with animal confinements, and provided the funding and staff to fulfill their obligations to the citizenry.
- 7) FINES should be levied for operators who pollute Indiana water and air, and provisions should be included for neighbors to recover costs associated with violations of the rules.
- 8) NO out of state manure should be allowed to be IMPORTED into Indiana from neighboring states. Ohio farms near the dead Grand Lake in western Ohio are currently hauling millions of gallons of toxic hog factory waste into Indiana where it is being land applied today.
- 9) All hog waste that cannot be applied via sub-surface soil application at the correct agronomic fertilizer rates should be treated as human sewage and disposed of in the same manner.
- 10) County and state roads should not be used as staging areas for loading mega tankers with liquid manure, and road weight limits should be established and enforced to prevent the continued third-world degradation of our rural infrastructure.

- 11) Citizens deserve an avenue for legal recourse for health problems, medical bills, loss of use of their property, loss of property values due to neighboring animal factories. A provision should be made for litigation to recover the costs associated with living near animal factories that currently are exempt from air, water, trespass, and nuisance codes, as you may not legislate common sense, civility, morality, and basic good neighbor practices.**

Please send copies of any documents your office prepares regarding the hearings and written inputs you receive on these DIN numbers, along with your final recommendations, and any additional hearings you may plan.

Sincerely,

Ann Miller